

**UNITED STATES BANKRUPTCY COURT**  
FOR THE DISTRICT OF NEW JERSEY  
TRENTON DIVISION

In re Stephen Gialanella

Case No. 17-33781-KCF

**TRANSFER OF CLAIM OTHER THAN FOR SECURITY**

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a). Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of the transfer, other than for security, of the claim referenced in this evidence and notice.

Select Portfolio Servicing, Inc., as servicing  
agent for DLJ Mortgage Capital, Inc.

Name of Transferee

Name and Address where notices to  
transferee should be sent:

Select Portfolio Servicing, Inc.  
P.O. Box 65250  
Salt Lake City, UT 84165-0250

Phone: 800-258-8602  
Last Four Digits of Acct # 8099

Name and Address where transferee payments  
should be sent (if different from above):

Select Portfolio Servicing, Inc.  
Attn: Remittance Processing  
P.O. Box 65450  
Salt Lake City, UT 84165-0450

Phone: 800-258-8602  
Last Four Digits of Acct #: 8099

I declare under penalty of perjury that the information provided in this notice is true and correct to the best of my  
knowledge and belief.

By: /s/Melissa Licker  
Transferee/Transferee's Attorney

Date: 3/22/2019

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571

In Re:

Stephen Gialanella

Bankruptcy Case No.: 17-33781-KCF

Chapter: 13

Judge: Kathryn C. Ferguson

### CERTIFICATE OF SERVICE

I, Melissa Licker, of McCalla Raymer Leibert Pierce, LLC, 1544 Old Alabama Road, Roswell, Georgia 30076, certify:

That I am, and at all times hereinafter mentioned, was more than 18 years of age;

That on the date below, I served a copy of the within Transfer of Claim filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, with proper postage affixed, unless another manner of service is expressly indicated:

Stephen Gialanella  
246 Van Zile Road  
Brick, NJ 08724

Ditech Financial LLC  
PO Box 6154  
Rapid City, SD 57709-6154

Peter Broege (served via ECF Notification)  
Broege, Neumann, Fischer & Shaver  
25 Abe Voorhees Drive  
Manasquan, NJ 08736

Albert Russo, Trustee (served via ECF Notification)  
CN 4853  
Trenton, NJ 08650-4853

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on: 3/22/2019 By: /s/Melissa Licker  
(date) Melissa Licker  
Attorney for Transferee



## NOTICE OF SERVICING TRANSFER

January 28, 2019

 STEPHEN GIALANELLA  
246 VAN ZILE RD  
BRICK, NJ 08724

Account Number:   
Property Address: 246 VAN ZILE RD  
BRICK TOWNSHIP, NJ 08724

Dear Customer(s):

The servicing of your 1st mortgage account is being transferred from Ditech Mortgage Servicing (prior servicer) to Select Portfolio Servicing, Inc. (SPS), effective 02/05/2019. This means that after this date, SPS will be collecting voluntary mortgage account payments from you. Nothing else about your mortgage account will change.

Ditech Mortgage Servicing is now collecting your payments. Ditech Mortgage Servicing will stop accepting payments received from you after 02/04/2019.

SPS will collect your voluntary payments going forward. SPS will start accepting payments received from you on 02/05/2019. If you have already mailed your payment to your prior servicer and it is received after this date, it will be forwarded to SPS for processing.

Send all payments on or after 02/05/2019 to SPS at this address: PO Box 65450 Salt Lake City, UT 84165-0450.

If your prior servicer automatically drafts your payment from your bank account, that service will cease.

If you have any questions for either your present servicer, Ditech Mortgage Servicing, or your new servicer, SPS, about your mortgage account or this transfer, please contact them using the information below:

<u>Current Servicer:</u>	<u>New Servicer:</u>
Ditech Mortgage Servicing	Select Portfolio Servicing, Inc.
Customer Service Department	Customer Service Department
(800) 643-0202	800-258-8602
PO Box 6172 Rapid City, SD 57709	PO Box 65250 Salt Lake City, UT 84165-0250
	<a href="http://www.spsservicing.com">www.spsservicing.com</a>

Important note about insurance and escrowed items: If you have mortgage life or disability insurance or any other type of optional insurance, including personal property insurance, these services will not be continued after the transfer. You should contact your private insurer to continue these services. This will not impact escrow arrangements, if any, for hazard insurance or taxes.

Please contact your property insurance agent within 15 days of the transfer to request the mortgagee on your insurance policy be changed to read "Select Portfolio Servicing, Inc., its successors and/or assigns PO Box 7277 Springfield, OH 45501-7277".

Under Federal law, during the 60-day period following the effective date of the transfer of the account servicing, an account payment received by your old servicer on or before its due date may not be treated by the new servicer as late, and a late fee may not be imposed on you.

If you were working with your prior servicer on a potential modification, short sale, or other loss mitigation plan, SPS will work with you to continue this process with minimal disruption. To continue this process or if you have any questions regarding your account on or after 02/05/2019, please contact the SPS Customer Service Department at 800-258-8602 Monday through Thursday between the hours of 8 a.m. and 11 p.m., Friday from 8 a.m. to 9 p.m., and Saturday from 8 a.m. to 2 p.m., Eastern Time. You may also access your account information online at [www.spbservicing.com](http://www.spbservicing.com).

If you wish to send a written inquiry about your account or dispute any of the information on this statement, please send it to the address listed below for Notice of Error/Information Request. If you send your Notice of Error/Information Request to any other address, it may not be processed in accordance with the guidelines established by the Real Estate Settlement Procedures Act (RESPA).

**Important Mailing Addresses:**

<u>General Correspondence</u>	<u>Payment Remittance</u>	<u>Notice of Error/Information Request</u>
PO Box 65250 Salt Lake City, UT 84165-0250	PO Box 65450 Salt Lake City, UT 84165-0450	PO Box 65277 Salt Lake City, UT 84165-0277

At SPS, any of our trained servicing representatives can assist you with questions about your account. Please contact SPS at 800-258-8602. Representatives are available Monday through Thursday between the hours of 8 a.m. and 11 p.m., Friday from 8 a.m. to 9 p.m., and Saturday from 8 a.m. to 2 p.m., Eastern Time.

Sincerely,

Select Portfolio Servicing, Inc.

**Please include your account number on all correspondence.**

**Esta carta contiene información importante concerniente a sus derechos. Por favor, traduzca esta carta. Nuestros representantes bilingües están a su disposición para contestar cualquier pregunta. Llamenos al numero 800-831-0118 y seleccione/marque la opción 2.**

**This information is intended for informational purposes only and is not considered an attempt to collect a debt.**

**NOTICE OF ASSIGNMENT, SALE, OR TRANSFER OF SERVICING RIGHTS**

You are hereby notified that the servicing of your mortgage account, that is, the right to collect payments from you, is being assigned, sold or transferred from Ditech Mortgage Servicing to Select Portfolio Servicing, Inc., effective 02/05/2019. The assignment, sale or transfer of the servicing of the mortgage account does not affect any term or condition of the mortgage instrument, other than the terms directly related to the servicing of your mortgage account.

Except in limited circumstances, the law requires that your present servicer send you a notice at least 15 days before the effective date of transfer or at closing. Your new servicer must also send you a notice no later than 15 days after the effective date or at closing.

You should also be aware of the following information, pursuant to Section 6 of the Real Estate Settlement Procedures Act (RESPA) (12 U.S.C. § 2605):

During the 60-day period following the effective date of the transfer of the mortgage account servicing, an account payment received by your old servicer before its due date may not be treated by the new mortgage account servicer as late, and a late fee may not be imposed on you.

Section 6 of RESPA (12 U.S.C. 2605) gives you certain consumer rights. If you send a "Notice of Error" or "Request for Information" to your servicer concerning the servicing of your account (at the exclusive address they have designated for receiving such requests), your servicer must provide you with a written acknowledgment within 5 business days of receipt of your request. A Notice of Error/Request for Information is a written notice, other than notice on a payment coupon or other payment form supplied by the servicer, which includes your name and account number and the error you believe has occurred or the information you are requesting. Not more than 30 business days after receiving your request, your servicer must make any appropriate corrections to your account, and must provide you with a written response. A 15 day extension is permitted if the servicer notifies you before the end of the 30 day period and provides the reasons for the delay in responding. After receipt of a Notice of Error, a servicer may not, for 60 days, furnish adverse information to any consumer reporting agency regarding any payment that is the subject of the Notice of Error. However, this does not prevent the servicer from initiating foreclosure or proceeding with a foreclosure sale if proper grounds exist under the mortgage documents.

A business day is a day on which the offices of the business entity are open to the public for carrying on substantially all of its business functions.

Section 6 of RESPA also provides for damages and costs for individuals or classes of individuals in circumstances where servicers are shown to have violated the requirements of that section. You should seek legal advice if you believe your rights have been violated.

This statement does not represent and is not intended to be a demand for payment. This notice is for informational purposes only. If you have filed bankruptcy or have been discharged in bankruptcy, please be advised that you should contact legal counsel with any questions regarding the mortgage account.

**Esta carta le informa que el servicio de su préstamo de hipoteca está siendo transferido a Select Portfolio Servicing, Inc. Varios aspectos importantes de su préstamo corriente pueden cambiarse durante y después de este proceso. Por favor llame a nuestro representante de información y reclamaciones en español al número de teléfono indicado para hablar de estos cambios.**

**FEDERAL FAIR CREDIT REPORTING ACT/ THE FACT ACT**

We may report information about your account to credit bureaus. Late payments, missed payments, or other defaults on your account may be reflected in your credit report.

**IMPORTANT NOTICE CONCERNING PRIVATE MORTGAGE INSURANCE**

If your residential mortgage account has private mortgage insurance (PMI), which is separate and distinct from Homeowners or liability insurance, Federal or state law may give you the right to cancel this insurance under some circumstances. Please contact our Customer Service Department for more information.

**AFFILIATE BUSINESS DISCLOSURE**

Please note that Select Portfolio Servicing, Inc. may utilize an affiliated company to perform financial services related to your mortgage account and that Select Portfolio Servicing, Inc., and/or the affiliated company may receive a financial benefit as a result of such relationship.



The following is a list of fees and charges that, subject to applicable law, or the documents evidencing your mortgage account, may be imposed in connection with the servicing of your account. Please note that the fees listed below are subject to change from time to time.

Fee	Amount	Description
Late Fee	Refer to loan documents	Fee charged for failure to make a regular monthly payment on time. State law may dictate the fee amount.
NSF or Dishonored Check Fee	Up to \$25.00	Fee charged when a payment by check is returned as not paid by your bank because of insufficient funds in the checking account.
Interest on Advance	Generally, calculated at the interest rate under the note.	Interest that we may be permitted to charge under the loan documents for amounts that we may be required to pay on your behalf, for example, taxes, insurance and foreclosure-related costs and expenses.
Prepayment Fee	Please refer to loan documents	Your loan documents may require you to pay an additional fee if you pay off your loan early.
Property Inspection	\$9.60 - \$19.99	Fee charged if you are in default and we can not make contact with you to determine the condition of the property.
Broker Price Opinion (BPO)	\$89.00 - \$195.00	Fee charged for determining the value and condition of the property when loan payments are past due.
Appraisal Fees	\$195.00 - \$450.00	Fee charged for appraisal used to determine the value and condition of the property.
Recording Fee	Based on county/town schedule	Fee charged by the relevant county/town for recording the release/satisfaction.
Release Fee	Up to \$45.00	Fee paid to a third party charged at payoff for preparing the release of mortgage.
Foreclosure Attorney Fees and Costs	This fee and cost will vary	Fees and costs associated with protection of collateral. Foreclosure attorney fees and costs will vary by filing type and are limited to the actual fees and costs.
Bankruptcy Attorney Fees and Costs	This fee and cost will vary	Fees and costs associated with preserving obligation. Bankruptcy attorney fees and costs will vary by bankruptcy Chapter type and are limited to actual fees and costs.
Property Preservation Costs	This fee will vary	Fees required to preserve the property. Will vary according to each situation and required expenses.

The fees shown below will be imposed for services that you request. You will be asked to agree to pay these charges at the time you request the service.

Fee	Amount	Description
Check by Phone	Up to \$15.00	Fee charged for making a payment by phone or internet. (Also known as EZ Pay)
Express Mail Fee	Actual Charge Incurred	Actual charge from delivery service provider (such as UPS or FedEx) for expedited delivery of documents.

*This Fee Schedule does not contain all fees that may be charged for services rendered. Please note that Select Portfolio Servicing, Inc. may utilize an affiliated company to perform services related to your mortgage account and that Select Portfolio Servicing, Inc. and/or the affiliated company may receive financial benefit as a result of such relationship.*

